

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA,)
)
 v.) **CR407-223**
) **CR407-312 (9:07-00655 South Carolina)**
 GARRY CLIFFORD CHUPURDY,)
 QING HONG XIANG,)

FINAL ORDER OF FORFEITURE

This Court entered a Preliminary Order of Forfeiture on February 5, 2008, ordering Defendants Garry Clifford Chupurdy and Qing Hong Xiang to forfeit the following properties (Subject Properties) to the United States:

A. REAL PROPERTY

Unit C-203, Thunderbolt Harbor Condominiums, 2902 River Drive, Thunderbolt, Chatham County, Georgia, titled in the name of Garry C. Chupurdy and more particularly described as:

All that certain lot, tract or parcel of land situate, lying and being in Thunderbolt, Chatham County, State of Georgia and being described and identified according to the Declaration of Condominium of Thunderbolt Harbour Condominiums, recorded in the Clerk's Office of the Superior Court of Chatham County, Georgia in Deed Book 210-N, page 348 and on a plat of Thunderbolt Harbour Condominiums made by Carl R. Jackson, Georgia Registered Land Surveyor Number 2555, dated February 14, 2000, as revised March 8, 2000 and recorded in said clerk's office in Condominium Plat Book 1, page 134, as UNIT NUMBER C-203, together with (a) all of the appurtenances thereunto belonging according to said Declaration and plat, and (b) an undivided interest in and to the common areas and facilities appurtenant to said Unit equal to all others. Said plat and Declaration are hereby incorporated into this description by reference and made a part hereof.

Subject however to the restrictions and covenants by Brunson & Bonner, LLC, contained in said Declaration recorded in the Clerk's Office of the Superior Court of Chatham County, Georgia in Deed Book 210-N, page 348.

This being the same property conveyed to Garry C. Chupurdy and Donna P. Chupurdy, as Joint Tenants with the right of survivorship, by deed of Brunson &

Bonner, LLC, dated August 18, 2000, and recorded in the Clerk of the Superior Court of Chatham County, Georgia, on August 21, 2000, in Book 214P at Page 392, and subsequently conveyed to Garry C. Chupurdy by Quit Claim Deed of Donna Plant Chupurdy, recorded in the Clerk of the Superior Court of Chatham County, Georgia, on July 19, 2004 in Deed Book 273B at Page 358.

B. CASH PROCEEDS

Approximately \$68,000.00 in United States Currency seized on or about June 25, 2007, in that such sum, in aggregate, was received by the defendant in exchange for the distribution of controlled substances or is traceable thereto.

C. BANK ACCOUNTS

- (1) SunTrust Account #100024421348 i/n/o/ Garry C. Chupurdy
- (2) SunTrust Account #0003211685734 i/n/o/ Garry C. Chupurdy
- (3) SunTrust Account #1513872588 i/n/o/ Qing Hong Xiang
- (4) Wachovia Account #1000397501981 i/n/o/ Donna Chupurdy and Garry C. Chupurdy
- (5) Wachovia Account #1010098406252 i/n/o/ Garry C. Chupurdy
- (6) Wachovia Account #1010145133889 i/n/o/ Garry C. Chupurdy
- (7) Trident Trust Company Account #Unknown i/n/o/ Kings Highway Marine M/Y Cats Meow

D. BOATS/VESSELS/TRAILERS

- (1) "Cats Meow" – 78 foot Catamaran Sailboat and Trailer, White in color with blue markings, Last Known Registration: British Registry, Official No. 718116, Kings Highway Marine, LTD, Trident Chambers, Nickhams Cay, P.O. Box 146, RD. Town, Tortola, British Virgin Islands; Titled Owner: Garry C. Chupurdy
- (2) "Cat Call" - 18'10" 1996 Hydrocat Boat and Trailer; Hull No. HYCA0001L596, South Carolina Registration No. 5956BP; Titled Owner: Garry C. Chupurdy, Sr.

- (3) 1966 Bertram Custom Center Console Boat and Trailer, white with green bottom paint and two (2) Mercury outboards, Hull ID #FLZB01350166, Georgia Registration: GA6433BF; Titled Owner: Garry C. Chupurdy
- (4) "Root 'N Toot 'N" - 1994 38-foot Cigarette Racing Limited Boat and Trailer, ID #CRTUST23J394; Owner: Garry C. Chupurdy
- (5) 16'07" 1990 Boston Whaler Boat and Trailer, Hull ID No. BWCM7362L990; Titled Owner: Garry Chupurdy
- (6) 19' 1979 Cudacraft Boat and Trailer, Hull No. AHD19008M78E, Florida Registration No. 6551DL; Titled Owner: Garry C. Chupurdy
- (7) 2004 Walker Utility Trailer, VIN 6102004015, 2006 Georgia Registration No. TL70040; Owner: Garry C. Chupurdy

E. MOTOR VEHICLES

- (1) 2000 Honda Odyssey, Bluish Green in Color, VIN 2HKRL1860YH539181, License Number: 961SYG (Ga. 2007); Titled Owner: Qing Xiang, 9 Gray Brick Lane, Savannah, GA 31404
- (2) 2003 Ferrari 360 Spider, Silver in color, VIN #ZFFYT53B000132637, License Number: G222EE (FL 2008); Titled Owner: Garry C. Chupurdy, 6143 High Ridge Road, Lantana, Florida
- (3) 2004 Aston Martin Vanquish, Grey in Color, VIN #SCFAC23334B501165, License Number: P887XE (FL 2007); Titled Owner: Garry C. Chupurdy, 6143 High Ridge Road, Lantana, Florida
- (4) 2005 Ford F-350 Super Duty Crew Cab Truck, White in color, VIN #1FTWW33P55ED13588, License number AIB 6313 (Ga. 2006); Titled Owner: Garry C. Chupurdy

On June 25, 2007, a Post-Indictment Restraining Order was entered by the Court in Criminal Case No. CR907-655 in the U.S. District Court for the District of South Carolina, restraining Defendant Chupurdy from attempting or completing any action that would affect the availability of property subject to forfeiture in this action.

On June 26, 2007, a Notice of *Lis Pendens* and Lien of Forfeiture was recorded on Book 424, page 594 on the Records of the Clerk of Superior Court for Chatham County, Georgia.

A Notice of Forfeiture was published in *The Savannah Morning News*, the legal organ for Chatham County, Georgia, and a newspaper of general circulation on March 13, 20, and 27, 2008. An Affidavit of Publication was filed on April 2, 2008, evidencing said publication dates. A Notice of Forfeiture was also published for three consecutive weeks in *The Post and Courier*, a state-wide newspaper of general circulation in South Carolina, on March 6, 13, and 20, 2008. An Affidavit of Publication was filed on April 16, 2008, evidencing said publication dates.

The following Petitions for Ancillary Hearing were filed:

(1) On April 17, 2008, Tax Commissioner Danny Powers, filed a Petition for Ancillary Hearing on behalf of Chatham County, Georgia, against the real property known as Unit C-203, 2902 River Drive, Thunderbolt, Georgia, for unpaid taxes for tax year 2007 in the amount of \$1,510.03 and \$4,960.65 for tax year 2008.

(2) On April 21, 2008, Rose McCombs, Clerk, Town of Thunderbolt, Georgia, filed a Petition for Ancillary Hearing on behalf of the Town of Thunderbolt, Georgia, against the real property known as Unit C-203, 2902 River Drive, Thunderbolt, Georgia, for unpaid taxes for tax year 2007, in the amount of \$614.33.

(3) On April 25, 2008, Wells Fargo Bank, N.A. filed a Petition for Ancillary Hearing against the real property known as Unit C-203, 2902 River Drive, Thunderbolt, Georgia, for outstanding secured principal, accrued interest, penalties, late fees, and attorneys' fees through April 23, 2008, in the amount of \$165,953.43, with a per diem of \$28.96 and continuing late fees. The indebtedness is secured by Wells Fargo Bank, N.A.'s Deed to Secure Debt dated December 8, 2005, between Garry Chupurdy and Wells Fargo Bank, N.A., and recorded in Deed Book 299X, pages 550-557 on the Records of the Clerk of Superior Court for Chatham County, Georgia.

(4) On April 28, 2008, Wells Fargo Home Mortgage, Inc., filed a Petition for Ancillary Hearing against the real property known as Unit C-203, 2902 River Drive, Thunderbolt, Georgia, for outstanding secured principal, accrued interest, penalties, late fees, and attorneys' fees through January 31, 2008, in the amount of \$193,281.48, with a per diem of \$26.54. The indebtedness is secured by that certain Deed to Secure Debt entered into between Garry C. Chupurdy and Donna P. Chupurdy and First Financial Bank on December 4, 2002, recorded in Deed Book 244J, pages 471-492 on the Records of the Clerk of Superior Court for Chatham County, Georgia and subsequently assigned to Wells Fargo Home Mortgage, Inc. on January 8, 2003; said assignment being recorded in Deed Book 245V, page 116 on the Records of the Clerk of Superior Court for Chatham County, Georgia.

(5) On April 28, 2008, Thunderbolt Harbour Condominium Association, filed a Petition for Ancillary Hearing against the real property known as Unit C-203, 2902 River Drive, Thunderbolt, Georgia, for outstanding homeowners' dues in the amount of \$1,684.60 for 2007 and \$1,644.43 for 2008 for a total of \$3,329.03.

No other petitions for ancillary hearing were filed within the time period permitted by 21 U.S.C. § 853(n)(2).

After reviewing all petitions for ancillary hearing, the United States determined that the real property known as Unit C-203, 2902 River Drive, Savannah, Georgia, lacked sufficient equity to proceed with forfeiture, and therefore, the United States elected not to seek a final order for forfeiture of Unit C-203, 2902 River Drive, Savannah, Georgia.

On September 10, 2008, this Court approved the Stipulation of Settlement entered into by the United States and Wells Fargo Mortgage, Inc., and Wells Fargo Mortgage, Inc. will make an accounting as to any monies remaining after the sale of the real property pursuant to the Court's Order Approving Stipulation of Settlement.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED that:

1. The government's Motion for Final Order of Forfeiture is GRANTED; all right, title to and interest in the following described forfeited properties are hereby condemned, forfeited, and vested in the United States of America, and shall be disposed of according to law; and all persons and entities having any right, title, claim or interest in the defendant forfeited properties are forever barred from asserting a claim:

CASH PROCEEDS

Approximately \$68,000.00 in United States Currency seized on or about June 25, 2007, in that such sum, in aggregate, was received by the defendant in exchange for the distribution of controlled substances or is traceable thereto.

BANK ACCOUNTS

- (1) SunTrust Account #100024421348 i/n/o/ Garry C. Chupurdy
- (2) SunTrust Account #0003211685734 i/n/o/ Garry C. Chupurdy
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- (1) 2000 Honda Odyssey, Bluish Green in Color, VIN 2HKRL1860YH539181, License Number: 961SYG(Ga. 2007); Titled Owner: Qing Xiang, 9 Gray Brick Lane, Savannah, GA 31404
- (2) 2003 Ferrari 360 Spider, Silver in color, VIN #ZFFYT53B000132637, License Number: G222EE (FL 2008); Titled Owner: Garry C. Chupurdy, 6143 High Ridge Road, Lantana, Florida
- (3) 2004 Aston Martin Vanquish, Grey in Color, VIN #SCFAC23334B501165, License Number: P887XE (FL 2007); Titled Owner: Garry C. Chupurdy, 6143 High Ridge Road, Lantana, Florida
- (4) 2005 Ford F-350 Super Duty Crew Cab Truck, White in color, VIN #1FTWW33P55ED13588, License number AIB 6313 (Ga. 2006); Titled Owner: Garry C. Chupurdy

2. The United States elected not to seek a final order for forfeiture of Unit C-203, 2902 River Drive, Savannah, Georgia, and thus, the following real property will be disposed of pursuant to the Order Approving Stipulation of Settlement:

REAL PROPERTY

Unit C-203, Thunderbolt Harbor Condominiums, 2902 River Drive, Thunderbolt, Chatham County, Georgia, titled in the name of Garry C. Chupurdy and more particularly described as:

All that certain lot, tract or parcel of land situate, lying and being in Thunderbolt, Chatham County, State of Georgia and being described and identified according to the Declaration of Condominium of Thunderbolt Harbour Condominiums, recorded in the Clerk's Office of the Superior Court of Chatham County, Georgia in Deed Book 210-N, page 348 and on a plat of Thunderbolt Harbour Condominiums made by Carl R. Jackson, Georgia Registered Land Surveyor Number 2555, dated February 14, 2000, as revised March 8, 2000 and recorded in said clerk's office in Condominium Plat Book 1, page 134, as UNIT NUMBER C-203, together with (a) all of the appurtenances thereunto belonging according to said Declaration and plat, and (b) an undivided interest in and to the common areas and facilities appurtenant to said Unit equal to all others. Said plat and Declaration are hereby incorporated into this description by reference and made a part hereof.

Subject however to the restrictions and covenants by Brunson & Bonner, LLC, contained in said Declaration recorded in the Clerk's Office of the Superior Court of Chatham County, Georgia in Deed Book 210-N, page 348.

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3. Claims for any portion of the sale of the real property should be directed to the mortgagee, which will make an accounting as to any monies remaining after the sale of the real property. Pursuant to the Stipulation of Settlement, the mortgagee will release all monies obtained from the foreclosure sale of the real property, after the payment of all liens, taxes, and expenses, to the United States as substitute *res* for the real property.

4. Since the United States elected not to seek a final order for forfeiture of Unit C-203, 2902 River Drive, Savannah, Georgia, the Petitions for Ancillary Hearing filed by the Town of Thunderbolt, the Chatham County Tax Commissioner, Wells Fargo Bank, N.A., Wells Fargo Home

Mortgage, Inc. and the Thunderbolt Harbour Condominium Association related to the real property are DENIED as moot and all parties shall bear their own costs in this action.

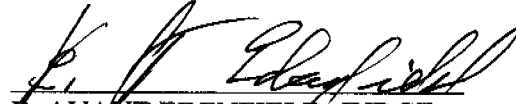
5. After the sale of the real property, the United States shall cancel and release the Notice of *Lis Pendens* and Lien of Forfeiture recorded on June 26, 2007, on Book 424, pages 594, on the Records of the Clerk of Superior Court for Chatham County, Georgia, against the real property known as Unit C-203, 2902 River Drive, Thunderbolt, Georgia.

6. Upon the entry of this Final Order of Forfeiture, the United States shall file a Motion to Vacate the Post-Indictment Restraining Order entered on June 25, 2007, in the U.S. District Court for the District of South Carolina.

7. All expenses of the Department of Justice and the United States Immigration and Customs Enforcement related to the seizure and forfeiture of the forfeited personal properties shall be paid from the forfeited properties or from proceeds from the sale of the forfeited properties.

8. All remaining funds shall be deposited by the United States Immigration and Customs Enforcement into the Department of Treasury Assets Forfeiture Fund, in accordance with 28 U.S.C. §524(c).

SO ORDERED this 22 day of Sept, 2008, in *U.S. v. Garry Clifford Chupurdy and Qing Hong Xiang*, CR407-223 and CR407-312 (9:07-00655 South Carolina).


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

Prepared by: Karl I. Knoche
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